

Homa 0103

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Reconsideration of claims 1-20 is respectfully requested.

DEC 12 2006

In the Office action dated September 13, 2006, the Examiner objected to claim 7 and rejected all pending claims under 35 USC §§ 102(e) and 103(a). The Examiner's objection and rejections will be addressed below in the order appearing in the Office action.

Objection to the Claims

The Examiner first objected to claim 7 with respect to the absence of the conjunction "and" following the term "Pb". As noted above, applicant has amended claim 7 to include the term "and". It is believed that this amendment overcomes the Examiner's objection.

35 USC § 102(e) Rejection - Claims 1-4, 10-12 and 14

The Examiner first rejected claims 1-4, 10-12 and 14 under 35 USC 102(e) as being anticipated by US Patent Publication 2002/0150365 (Antos et al.). The Examiner refers to paragraphs [0017], [0030] and [0033] of Antos et al. as particularly teaching the subject matter of step d) (the sintering step) of independent claim 1.

In response, applicant has amended independent claims 1 and 19 to more fully and exactly define the method of the present invention as occurring in an oxygen-free ambient. Such is not the case with Antos et al. Rather, Antos et al. states at paragraph [0020] that "less than a stoichiometric amount of oxygen" is present in the ambient as the preform is created. Paragraph [0034] of Antos et al. suggests that a "surplus" of oxygen should be eliminated, but does not require all that oxygen be eliminated from the ambient; the limitation of Antos et al. is to use "less than a stoichiometric amount".

The discovery of the present invention is resident in the finding that by using an oxygen-free ambient, the defects may be eliminated from the soot layer. Independent claims 1 and 19 have been amended to clarify this finding. Antos et al. merely suggests that the oxygen be less than a stoichiometric amount.

Applicant thus asserts that Antos et al. does not anticipate the inventive method of utilizing an "oxygen-free" environment during the steps of exposing the unsintered soot to a metal halide and/or sintering the halide-treated soot. Without this teaching, Antos et al. cannot be found to anticipate independent claim 1, or claims 2-4, 10-12 and 14. Applicant

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thus respectfully requests the Examiner to reconsider this rejection and find claims 1-4, 10-12 and 14, as amended, to now be in condition for allowance.

35 USC 103(a) Rejection - Claims 5, 8, 9, 13, 15-20

The Examiner rejected the above-cited claims under 35 USC 103(a) as being unpatentable over Antos et al., as above, when considered with various other references. In response, applicant asserts that inasmuch as the basic Antos et al. reference does not include any teaching regarding the utilization of an "oxygen-free" method, these claims are also allowable over Antos et al., regardless of the teaching in any of the secondary references.

Applicant thus respectfully requests the Examiner to reconsider this rejection and find the cited claims to be in condition for allowance.

In summary, the present application contains claims 1-20, where independent claims 1 and 19 have been amended to specifically state that the inventive method occurs in an "oxygen-free" environment. Claim 7 has been amended to overcome an objection by the Examiner. With these amendments, applicant believes that the case is now in condition for allowance. Applicant thus respectfully requests the Examiner to reconsider each rejection and allow the application to pass to issue. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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